

WOODS LONERGAN PLLC

ATTORNEYS AT LAW

woodslaw.com

James F. Woods, Esq.
jwoods@woodslaw.com

Lawrence Lonergan, Esq.
llonergan@woodslaw.com

Annie E. Causey, Esq.
acausey@woodslaw.com

One Grand Central Place
60 East 42nd St., Suite 1410
New York, NY 10165
Tel: 212 684 2500
Fax: 212 684 2512

Wednesday, October 25, 2023

Via ECF

Hon. Lorna G. Schofield, U.S.D.J.
Southern District of New York
40 Foley Square, Courtroom 1106
New York, New York 10007

Re: NuAxess 2 Inc. v. Turkish Airlines Inc.
Case No.: 23-cv-03137-LGS

Dear Judge Schofield:

This firm represents NuAxess 2 Inc. (“Plaintiff”) in the above-referenced action (“Action”). Defendants Turkish Airlines, Inc. and Türk Hava Yolları Anonim Ortaklığı (“THY Defendants”) are represented by the firm McLaughlin & Stern LLP.

We write jointly with the consent of THY Defendants, pursuant to Your Honor’s Individual Rules, to request an extension of the timelines set forth in the order at this Court dated 9/29/2023 (Doc. No. 42) for the filing of opposition and reply papers in connection with THY Defendants’ motion to dismiss the complaint. Plaintiffs’ opposition is currently due November 7, 2023; and THY Defendants’ reply is due on November 17, 2023. The parties respectfully request an order granting a revised briefing schedule as follows.

- Plaintiff shall file its opposition by November 21, 2023.
- THY Defendants shall file their reply by December 8, 2023.

This is the second request for an extension of time with regard to this motion. An extension of the timelines set forth in the order of this Court dated 9/15/2023 (Doc. No. 40) were reset to the current timelines upon joint request because counsel for THY Defendants had a recent death in her family and was out of the country to attend funeral services for several days. A request for an extension of the timelines set forth in the order of this Court dated 9/29/2023 (Doc. No. 42) is being presently made because counsel for Plaintiff is preparing for a jury trial commencing November 6, 2023, and most of this, next, and all of the week of November 6, 2023, will be allocated to appearing in and preparing for that trial. The extended date of November 21st will effectuate an equitable net three weeks for Plaintiff to oppose the motion considering the pending trial. Given the

WOODS LONERGAN PLLC

ATTORNEYS AT LAW

Thanksgiving Holiday, December 8th will afford THY Defendants appropriate time to prepare their reply papers.

In addition, the papers originally in support of the THY Defendants' Motion to Dismiss inadvertently contained confidential information of the parties, and minor errors which have been redacted and/or corrected in subsequent filings. The parties jointly request an Order directing the Clerk to correct the docket as follows.

Removal of the original documents which were filed on October 17, 2023:

- Notice of Motion to Dismiss (Docket No. 43)
- Declaration of Jacqueline C. Gerald with Exhibits (Docket No. 44)
- Declaration of Mustafa Bayram with Exhibits (Docket No. 45)
- Memorandum of Law in Support of Motion to Dismiss (Docket No. 46)

So that they are replaced with the following documents which THY Defendants subsequently filed on October 23, 2023:

- Notice of Motion to Dismiss (Docket No. 47)
- Declaration of Jacqueline C. Gerald with Exhibits (Docket No. 48)
- Declaration of Mustafa Bayram with Exhibits (Docket No. 49)
- Memorandum of Law in Support of Motion to Dismiss (Docket No. 50)

We thank the Court for its time and attention to this joint request.

Respectfully submitted,
WOODS LONERGAN PLLC

Annie E. Causey
By: Annie E. Causey, Esq.

cc: All Counsel of Record via ECF